

Message Text

CONFIDENTIAL

PAGE 01 STATE 228674
ORIGIN L-03

INFO OCT-01 IO-13 ISO-00 SS-15 HA-05 SSO-00 INRE-00
INR-10 NSAE-00 JUSE-00 FBIE-00 TRSE-00 H-01
NSCE-00 CIAE-00 DODE-00 /048 R

DRAFTED BY L:SMSCHWEBEL;L/UNA:AKRECZKO:SIS
APPROVED BY IO:CWMAYNES
IO:GDALLEY
D:JSPIEGEL
L:HJHANSELL
HA:MSCHNEIDER

-----043788 090038Z /64

O 090017Z SEP 78
FM SECSTATE WASHDC
TO USMISSION GENEVA IMMEDIATE
INFO USMISSION USUN NEW YORK IMMEDIATE

C O N F I D E N T I A L STATE 228674

E.O. 11652: GDS

TAGS: SHUM, US

SUBJECT: UN SUBCOMMISSION ON PREVENTION OF DISCRIMINATION
AND PROTECTION OF MINORITIES--RESPONSE BY THE U.S. GOVERN-
MENT TO COMMUNICATION FROM THE UNITED NATIONS SECRETARIAT,
TRANSMITTED UNDER NOTE NO. G/SO/215/1, DATED JULY 7, 1978

REF: (A) STATE 224205, (B) GENEVA 13482

1. APPRECIATE REFTEL AND THOUGHTFUL RECASTING OF U.S.
RESPONSE. WE NOTE THAT PARAGRAPH 3 OF REFTEL A WAS
DELETED FROM THAT RESPONSE. PARAGRAPH 3 READ:

"THE UNITED STATES SERIOUSLY QUESTIONS WHETHER A SINGLE
COMPLAINT WHICH MAKES REFERENCE TO ONLY A FEW SPECIFIC
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 228674

ALLEGATIONS, ALL OF WHICH ARE CLAIMED TO HAVE OCCURRED IN
A SINGLE CITY, WHICH HAVE BEEN AND ARE BEING INVESTIGATED
BY FEDERAL, STATE, AND LOCAL OFFICIALS, AND WHICH ARE THE
SUBJECT OF AMELIORATORY ACTION, CAN MEET THE STANDARD
REQUIRED BY RESOLUTION 1503. THE NEGOTIATIONS LEADING TO
THE ADOPTION OF ECOSOC RESOLUTION 1503 AND ITS SUBSEQUENT
APPLICATION WOULD SEEM TO INDICATE THAT MORE COMPELLING

EVIDENCE IS NEEDED. RESOLUTION 1503 IS INTENDED TO MONITOR ESSENTIAL COMPLIANCE WITH INTERNATIONAL HUMAN RIGHTS STANDARDS. A NATION SHOULD NOT BE SUBJECT TO INVESTIGATION UNDER THE PROCEDURES OF RESOLUTION 1503 UNLESS THE EVIDENCE DEMONSTRATES A CONSISTENT PATTERN OF GROSS VIOLATION OF HUMAN RIGHTS. THE 1503 PROCEDURES WERE DESIGNED TO RESPOND TO THE MOST SERIOUS AND PERVASIVE ALLEGATIONS OF HUMAN RIGHTS VIOLATIONS; AN INTERPRETATION OF THE PHRASE "GROSS AND CONSISTENT VIOLATION OF HUMAN RIGHTS" SHOULD NOT BE ADOPTED WHICH COULD EASILY BE APPLIED TO ABERRATIONS IN ALL COUNTRIES."

2. THAT PARAGRAPH HAD BEEN INSERTED AFTER CAREFUL CONSIDERATION BY LEGAL ADVISER AND IO ASSISTANT SECRETARY AND REDRAFTING BY THE DEPUTY SECRETARY. WE BELIEVE THAT IT IS IMPORTANT THAT THIS ARGUMENT BE MADE. IT SEEMS OBJECTIVELY ACCURATE AND IT MAY INCREASE CHANCES FOR DISMISSAL OF COMPLAINT BY IMPRESSING ON OTHER MEMBERS OF THE SUBCOMMISSION THE PRECEDENT OF GIVING SUCH A BROAD INTERPRETATION TO THE STANDARD OF "GROSS AND CONSISTENT VIOLATIONS OF HUMAN RIGHTS."

3. WE UNDERSTAND THAT MISSION MADE CHANGES IN REFTTEL A IN ORDER TO AVOID REVEALING THAT U.S.G. WAS AWARE OF DECISION OF WORKING GROUP TO RECOMMEND ACCEPTANCE OF COMPLAINT. WHILE APPRECIATING THAT KEY POINT, WE BELIEVE CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 228674

SUBSTANCE OF PARAGRAPH 3 CAN BE RETAINED WITHOUT DISCLOSING U.S.G. KNOWLEDGE OF WORKING GROUP DECISION BY ADDING FOLLOWING LANGUAGE TO RESPONSE. BEGIN UNCLASSIFIED:

"THE UNITED STATES GOVERNMENT WISHES TO ADD THAT THE ABSENCE OF A BASIS FOR PROCEEDING IN THIS CASE UNDER ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII) IS ALSO APPARENT BECAUSE THE COMPLAINT MAKES ONLY A FEW SPECIFIC ALLEGATIONS, ALL OF WHICH ARE CLAIMED TO HAVE OCCURRED IN A SINGLE CITY (WHICH, AS NOTED ABOVE, HAVE BEEN AND ARE BEING INVESTIGATED BY FEDERAL, STATE AND LOCAL OFFICIALS AND ARE THE SUBJECT OF AMELIORATORY ACTION). IT IS QUESTIONABLE WHETHER SUCH A COMPLAINT MEETS THE STANDARD OF RESOLUTION 1503 OF REVEALING 'A CONSISTENT PATTERN OF GROSS AND RELIABLY ATTESTED VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS'. THE NEGOTIATIONS LEADING TO THE ADOPTION OF ECOSOC RESOLUTION 1503 AND ITS SUBSEQUENT APPLICATION WOULD SEEM TO INDICATE THAT MORE COMPELLING EVIDENCE IS NEEDED. RESOLUTION 1503 IS INTENDED TO MONITOR ESSENTIAL COMPLIANCE WITH INTERNATIONAL HUMAN RIGHTS STANDARDS. A NATION SHOULD NOT BE SUBJECT TO INVESTIGATION UNDER THE PROCEDURES OF RESOLU-

TION 1503 UNLESS THE EVIDENCE DEMONSTRATES A CONSISTENT
PATTERN OF GROSS VIOLATION OF HUMAN RIGHTS. THE 1503

PROCEDURES WERE DESIGNED TO RESPOND TO THE EXISTENCE OF A
"CONSISTENT PATTERN OF GROSS AND RELIABLY ATTESTED
VIOLATIONS." AN INTERPRETATION SHOULD NOT BE ADOPTED
THAT SUCH "CONSISTENT PATTERN" EXISTS WHEN THE NUMBER,
TIME, AND LOCATION OF SUCH VIOLATIONS WOULD YIELD A
STANDARD WHICH COULD EASILY BE APPLIED TO ABERRATIONS
IN ALL COUNTRIES. END UNCLASSIFIED. CHRISTOPHER

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DISCRIMINATION, MINORITIES
Control Number: n/a
Copy: SINGLE
Draft Date: 09 sep 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE228674
Document Source: CORE
Document Unique ID: 00
Drafter: SMSCHWEBEL;L/UNA:AKRECZKO:SIS
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780367-0193
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780984/aaaacrmv.tel
Line Count: 125
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 77787053-c288-dd11-92da-001cc4696bcc
Office: ORIGIN L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 STATE 224205, 78 GENEVA 13482
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 26 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1493010
Secure: OPEN
Status: NATIVE
Subject: UN SUBCOMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES--RESPONSE BY THE U.S. GOVERN- MENT TO COMMUNICATION FROM THE UNITED NA TIONS SECR
TAGS: SHUM, US
To: GENEVA
Type: TE
vdkgvkey: odbc://SAS/SAS.dbo.SAS_Docs/77787053-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014